

RESOLUTION NO. 2022-R-202

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, TERMINATING THE PREVIOUSLY APPROVED DEVELOPMENT AGREEMENT ISSUED UNDER RESOLUTION 2019-R-012, AND APPROVING AN APPLICATION FOR A CONDITIONAL USE PERMIT, IN SUBSTANTIALLY THE ATTACHED FORM, FOR A MIXED-USE DEVELOPMENT CONSISTING OF A 10-STORY, 383-UNIT APARTMENT BUILDING, WITH FOUR HUNDRED NINETY (490) PARKING SPACES; AND FOURTEEN THOUSAND TWO-HUNDRED NINETY-ONE (14,291) SQUARE FEET OF GROUND-LEVEL RETAIL AND RESTAURANT SPACE, ON A PARCEL OF REAL PROPERTY LOCATED AT 1850 NE 123RD STREET, IDENTIFIED WITH MIAMI-DADE FOLIO NO. 06-2228-001-0270, AND TOTALING APPROXIMATELY 4.13 ACRES, IN ACCORDANCE WITH ARTICLE 3, DIVISION 4, SECTIONS 3-402 THROUGH 3-407, ARTICLE 4, DIVISION 2, SECTIONS 4-202, SECTION 4-203(A), AND SECTION 4-205, AND ARTICLE 4, DIVISION 3, SECTION 4-310, OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, CHAPTER 29, ENTITLED “LAND DEVELOPMENT REGULATIONS”; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

WHEREAS, the Subject Property consists of one (1) parcel of land totaling approximately 4.13 acres located at 1850 NE 123rd Street, designated as Commercial/Office on the City’s 2036 Future Land Use Map (“FLUM”), C2-BE, Commercial District (“C2-BE”) on the Official Zoning Map, and is in the Biscayne Boulevard Planned Corridor Development (“PCD”) District; and

WHEREAS, the PCD district allows up one-hundred ten (110) feet in height and one-hundred twenty-five (125) dwelling units per acre (“du/ac”), through the Conditional Use Permit (“CUP”) process; and

WHEREAS, the Subject Property can accommodate and a maximum height of one hundred ten (110) feet and up to five hundred (500) dwelling units; and

WHEREAS, on January 22, 2019, via Resolution No. 2019-R-012, the Mayor and City Council approved a Development Agreement (“DA”) between the City and Causeway Village, LLC for a nine-story (99 foot), two hundred ninety-seven (297) unit mixed use development including 15,481 square feet of commercial space with a building height of ninety-nine (99) feet

(9 story); and

WHEREAS, subsequently, Section 4-306 (D)(3) of the Land Development Regulations (“LDRs”) governing the Biscayne Boulevard PCD was modified to require a CUP rather than a Development Agreement to activate height and density in development projects; and

WHEREAS, Causeway Village, LLC (“Applicant”) is the owner of the Subject Property, and has filed a CUP application with the Community Planning and Development Department and requesting approval for an additional eighty-six (86) residential units to the previously approved two hundred ninety-seven (297) dwelling units to construct a ten-story (110 foot), 383-unit luxury apartment building with an integrated structured parking garage containing three hundred eighty (380) parking spaces, and a recreational area on the 3rd level with a pool, clubhouse, business center, game room and other amenities; a ground level dog park, one hundred eleven (111) surface parking spaces, public art, and fifteen thousand two hundred seventy-two (15,272) square feet of ground level retail on the Subject Property; and

WHEREAS, Section 34 of the DA provides for the termination of the Agreement through mutual consent of Causeway Village LLC and the City; and

WHEREAS, Causeway Village, LLC has expressed their consent to terminate the DA and update their development plans to include a CUP with additional residential units and an updated development plan for the project; and

WHEREAS, to assure consistency in application of standards, the City deems it necessary to terminate the DA, and issue a CUP that incorporates both the Applicant’s new request and the original entitlements and requirements as set forth in the DA; and

WHEREAS, Article 3, Division 4, section 3-405 of the LDRs establishes criteria for the approval of a CUP; and

WHEREAS, the City has reviewed the proposed request and found that it is consistent with Objective 1.21.4 of the Comprehensive Plan, and satisfies the requirements of Sections 3-405 and 4-306 of the LDRs; and

WHEREAS, the Planning Commission, after a duly noticed public hearing held on November 1, 2022, reviewed the proposed request, and found it to be consistent with the Comprehensive Plan and in keeping with the intent of the LDRs, and, thereby, recommended approval of the CUP to Mayor and City Council; and

WHEREAS, Mayor and City Council have determined that the proposed request is in the best interest of the City, does not adversely affect the health, safety, and welfare of residents, and thereby, approve the CUP.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Termination of Development Agreement. The Mayor and City Council of the City of North Miami, Florida, hereby terminates the DA previously approved under Resolution No. 2019-R-012, in accordance with Section 34 of the DA which allows the termination of the Agreement during its term by mutual agreement of Causeway Village, LLC and the City.

Section 2. Approval of Conditional Use Permit. The Mayor and City Council of the City of North Miami, Florida, hereby, approve the CUP, in substantially the attached form, for a ten-story (110 foot), 383-unit luxury apartment building with an integrated structured parking garage containing three hundred eighty (380) parking spaces, and a recreational area on the 3rd level with a pool, clubhouse, business center, game room and other amenities; a ground level dog park, one hundred eleven (111) surface parking spaces, public art, and fifteen thousand two hundred seventy-two (15,272) square feet of ground level retail located at 1850 NE 123rd Street, in accordance with Article 3, Division 4, Section 3-407 of Chapter 29 of the City of North Miami Code of Ordinances, Land Development Regulations.

Section 3. Effective Date. This Resolution shall be effective upon adoption.

NOW, THEREFORE, Mayor and City Council approves this CUP along with the following findings and conditions:

- 1. Development Review Committee Approval:** After approval of the CUP, the Applicant shall submit a site plan application to the Development Review Committee (DRC) for City Council. Failure to file said precise plan within one (1) year of the City Council approval shall result

in the revocation of the CUP. City Council must grant Site Plan approval before the applicant can apply for a building permit; and

2. **Site Plan Compliance:** That the Applicant must develop the property in accordance with the final site plan approved by the City Council; and
3. **Operation and Maintenance:** That the owners or successors or assigns in title is bound by the CUP and shall continue operation and maintenance of all areas, functions, and facilities as depicted on the approved precise site plan, unless otherwise released by the Mayor and City Council; and
4. **Easements:** That the Applicant shall provide suitable areas for easements for dedication and/or improved for the installation of public utilities and purposes which include, but shall not be limited to water, gas, telephone, electric power, sewer, drainage, public access, ingress, egress, and other public purposes; and
5. **Installation of Utilities:** That all utilities within the Subject Property including, but not limited to, telephone, electrical systems, and television cables, shall be installed underground; and
6. **Sidewalks:** That the Applicant shall construct and maintain a ten (10) foot wide sidewalk along the frontage of NE 123rd Street, and a six (6) foot wide sidewalk along the NE 18th Avenue and NE 121st Street frontages of the Subject Property, and at the time of building permit application shall, in coordination with the City's Public Works Department, execute and record an Installation and Maintenance Agreement and provide a bond to cover the cost of construction; and
7. **Transportation Improvements:** That the Applicant shall:
 - a. Contribute to the traffic impact fee program established by Policy 2A.2.3 of the Transportation Element of the City's Comprehensive Plan in the amount of \$25,000 per year for a 4-year period; with said 4- year period commencing within 16 months from the issuance of a certificate of occupancy by the City; and with such contribution entitling the Owner to an option for the placement of advertising for the Project in or on NOMI express buses; and

- b. Provide updated crash data and include the segment of NE 123rd Street adjacent to the site prior to DRC final approval; and
 - c. Provide pedestrian and bicycle linkages within the Project to any and all transit stops that are immediately contiguous with the Property to connect residents and visitors with public transit, consistent with Policy 2A.2.6 of the Transportation Element of the Comprehensive Plan; and
 - d. Cooperate with the Florida Department of Transportation (FDOT), pursuant to the provisions of Policy 2C.2.1 of the Transportation Element of the Comprehensive Plan, as required by that agency for any necessary improvements, including a traffic management plan if applicable to NE 123rd Street, which is a State-owned right-of-way; and
- 8. Building Permits:** That the Applicant apply for a building permit within eighteen (18) months of approval of the precise site plan by the City Council. Failure to do so will result in the expiration of the precise site plan; and
- 9. Miscellaneous:** That the CUP comply with all applicable requirements of the City's Public Works Department, Police Department, and all other County and State agencies; and
- 10. Certificate of Occupancy:** That a Certificate of Occupancy (CO) from the Building Department be only issued to the applicant upon complying with all the terms and conditions of this CUP approval; the same subject to cancellation upon violation of any of the conditions herein listed; and
- 11. Certificate of Use:** That a Certificate of Use (CU) from the Community Planning & Development Department and Business Tax Receipt (BTR) be only issued to the Applicant upon compliance with all terms and conditions of this CUP approval; the same subject to cancellation upon violation of any of the conditions herein listed; and
- 12. Leadership in Energy and Environmental Design (LEED) Certification:** Proof of LEED or equivalent National Green Building Certification is required prior to obtaining final Certificate of Occupancy; and
- 12. Sustainable Building Program:** The Applicant shall integrate and maintain their proposed sustainable building commitments, as approved by the City's Sustainability Administrator.

PASSED AND ADOPTED by a 4-0 vote of the Mayor and City Council of the City of North Miami, Florida, this 21st day of November, 2022.



PHILIPPE BIEN-AIME

MAYOR

ATTEST:



VANESSA JOSEPH, ESQ.

CITY CLERK

APPROVED AS TO FORM

AND LEGAL SUFFICIENCY:



JEFF P. H. CAZEAU, ESQ.

CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: Timothe

Seconded by: Estimé-Irvin

Vote:

Mayor Philippe Bien-Aime (Yes) (No) Absent

Vice Mayor Alix Desulme, Ed.D. (Yes) (No)

Councilwoman Kassandra Timothe, MPA (Yes) (No)

Councilwoman Mary Estimé-Irvin (Yes) (No)

Councilman Scott Galvin

X (Yes) _____ (No)

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE CITY OF NORTH MIAMI
CITY COUNCIL ON THIS 29th DAY OF November, 2022.